

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

BENNY WAYNE STEWART, #397292 §
 §
 §
v. § CIVIL ACTION NO. G-06-404
 §
NATHANIEL QUARTERMAN, §
DIRECTOR OF TDCJ-CID §

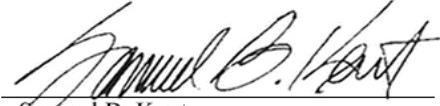
ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge that was entered on May 11, 2007. Petitioner, having been given an extension of time, filed his Objections to the Report and Recommendation in a timely manner.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that Petitioner's Objections are without merit and that the Report and Recommendation is correct and it is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

Accordingly, it is **ORDERED** that Petitioner's Motion for Temporary Restraining Order and Preliminary Injunction Motion (Instrument No. 11) is **DENIED**; Petitioner's Motion for Evidentiary Hearing (Instrument No. 15) is **DENIED**; Respondent's Motion for Summary Judgment (Instrument No. 12) is **GRANTED**; and the Petition for a Writ of Habeas Corpus of Benny Wayne Stewart (Instrument No. 1) is **DISMISSED** with prejudice.

DONE at Galveston, Texas this 9th day of July, 2007.



Samuel B. Kent
United States District Judge